IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPL. NO.87 OF 2007
IN
CRI.APPEAL NO. 107 OF 2007

1. Rajesh Manohar Shirke
2. Shailesh Manohar Shirke
3. Uday Shahu Surve,
4. Ravindra Pandurang Bhanuse
(At present all are in
Adharwadi Central Prison,
Kalyan) ..Applicants

Vs.

State of Maharashtra ..Respondent

...

Mr.R.D.Suryawanshi Advocate for
Applicants
Mrs.S.V.Gajare, A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : FEBRUARY 14, 2007

P.C.

1. Heard the learned advocate for the applicants and the learned A.P.P. for the State.

2. The applicants have been convicted mainly under Section 326 read with Section 149 of IPC and sentenced to R.I. for five years. It is the prosecution case that P.W.4 Mahesh was assaulted by the present applicants. Mr.Suryawanshi, the

learned advocate for the applicants, submitted that as far as Section 326 of IPC is concerned, the prosecution has not produced any x-ray plates. Mr.Suryawanshi further submitted that prosecution has suppressed the genesis of the incident which is seen from the fact that one of the accused i.e. applicant no.1 received many injuries in the incident and the prosecution has not given any explanation for the same. Mr.Suryawanshi r submitted that in the incident, applicant no.1 Rajesh Shirke was also seriously injured and Dr.Jyoti has specifically stated about the injuries suffered by Rajesh Shirke. Rajesh suffered five injuries in the incident. The said injuries are two incised wounds, one contusion, one CLW and one abrasion. They are on various parts of body including the head. Mr.Suryawanshi has further submitted that applicants were on bail during the trial. The applicants had not misused the liberty granted to them. It is further submitted that applicants have a clean record. These two statements have not been controverted by the prosecution. Looking to the above facts, I am inclined to release the applicants on bail.

3. Each of the applicants to be released on bail in the sum of Rs.25,000/- (Rs.twenty five thousand only) with one or two sureties to make up the said amount. The applicants shall not enter within the jurisdiction of Ambernath Police Station. Before being released on bail, the Investigating Officer shall be informed where the applicants will reside during the period that they are on bail. The applicants shall report to the closest police station to that address once in a week till the appeal is disposed of.

4. Application is disposed of.

[V.K.Tahilramani, J.]